

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN JIM PETERSON**, on April 1, 2005 at
3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Jim Peterson, Chairman (R)
Rep. Christopher Harris, Vice Chairman (D)
Rep. John (Jack) W. Ross, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Norma Bixby (D)
Rep. Dee L. Brown (R)
Rep. Paul Clark (D)
Rep. Sue Dickenson (D)
Rep. George Everett (R)
Rep. Gail Gutsche (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Mike Jopek (D)
Rep. Carol Lambert (R)
Rep. Rick Maedje (R)
Rep. Veronica Small-Eastman (D)

Members Excused: None.

Members Absent: Rep. Kevin T. Furey (D)
Rep. David E. Wanzenried (D)

Staff Present: Joe Kolman, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 236, 3/23/2005; SB 489,
3/23/2005

Executive Action: SB 489; SB 143; SB 337; SB 269
SB 376; SB 97; SB 494; SB 124
SB 142

00:04:00 Break ~ CHAIRMAN PETERSON left the Committee
Hearing.

00:05:19 Resume

HEARING ON SB 236

Opening Statement by Sponsor:

00:05:40 SEN. GREG LIND (D), SD 50, opened the hearing on
SB 236, Revise water quality standards.

Proponents' Testimony:

00:07:50 Jeff Barber, Montana Environmental Information
Center

[EXHIBIT \(nah69a01\)](#)

[EXHIBIT \(nah69a02\)](#)

[EXHIBIT \(nah69a03\)](#)

00:14:38 Art Compton, Department of Environmental Quality

00:15:30 Alexandra Gorman, Director of Science and
Research, Women's Voices for the Earth

[EXHIBIT \(nah69a04\)](#)

00:17:26 REP. JILL COHENOUR, HD 78

00:18:17 John Wilson, Montana Trout Unlimited

00:19:17 Derek Goldman, Montana Audubon also speaking for
the Montana Chapter of American Fisheries Society

Opponents' Testimony:

00:20:50 Angela Janacaro, representing Montana Mining
Association

00:23:43 Haley Beaudry, Columbia Falls Aluminum Company

[EXHIBIT \(nah69a05\)](#)

00:29:52 Don Allen, Western Environmental Trade Association
(WETA)

00:34:06 Glenn Oppel, speaking for the Montana Association
of Realtors

Informational Testimony: None.

Questions from Committee Members and Responses:

00:34:35 **REP. EVERETT**
 00:36:13 **REP. DICKENSON**
 00:39:04 **REP. BROWN**
 00:41:21 **REP. LAMBERT**

00:42:36 *CHAIRMAN PETERSON returned to Committee Hearing.*

00:44:15 **REP. MAEDJE**
 00:50:09 **REP. BARRETT**
 00:51:30 **REP. GUTSCHE**
 00:53:52 **REP. JOPEK**
 00:55:38 **REP. ROSS**

Closing by Sponsor:

00:57:32 **SEN. GREG LIND (D)** closed the hearing on **SB 236**.

HEARING ON SB 489

Opening Statement by Sponsor:

01:00:01 **SEN. GREG LIND (D), SD 50**, opened the hearing on **SB 489**, Use orphan share fund for evaluation and remediation alternatives.

Proponents' Testimony:

01:01:46 Hal Harper, Chief Policy Director, Governor Schweitzer

[**EXHIBIT \(nah69a06\)**](#)

[**EXHIBIT \(nah69a07\)**](#)

[**EXHIBIT \(nah69a08\)**](#)

01:05:26 Mary Sexton, Director, Department of Natural Resources and Conservation

01:07:09 Richard Oppen, Director, Department of Environmental Quality

[**EXHIBIT \(nah69a09\)**](#)

01:10:31 Bud Clinch, self, previously the Director of Department of Natural Resources and Conservation

01:13:24 Leo Berry, Attorney, representing the Burlington Northern/Santa Fe Railroad Company

01:14:27 Don Allen, Western Environmental Trade Association (WETA)

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

01:15:28 REP. BROWN
 01:16:19 REP. GUTSCHE
 01:21:35 REP. HARRIS
 01:27:02 REP. MAEDJE
 01:28:20 REP. BARRETT
 01:30:35 REP. JOPEK
 01:32:28 REP. BROWN
 01:33:27 REP. JOPEK

Closing by Sponsor:

01:34:02 SEN. GREG LIND (D) closed the hearing on SB 489.
 01:35:06 Break
 03:25:22 Resume

EXECUTIVE ACTION ON SB 489

03:28:55 Motion: REP. DICKENSON moved that SB 489 BE
 CONCURRED IN.

[EXHIBIT](#) (nah69a10)

03:30:38 Motion: REP. LAMBERT moved that SB 489 BE
 AMENDED.

[EXHIBIT](#) (nah69a11)

Discussion:

03:32:29 REP. HARRIS
 03:34:09 REP. BARRETT
 03:35:11 REP. HARRIS
 03:36:02 REP. BROWN
 03:36:37 REP. ROSS

03:37:31 Vote: Motion carried 13-5 by voice vote with
 REPS. BARRETT, BROWN, EVERETT, LAMBERT, and ROSS
 voting no and REP. WANZENRIED voting by proxy.

03:38:54 Motion: REP. JOPEK moved that SB 489 BE AMENDED.

[EXHIBIT](#) (nah69a12)

Discussion:

03:39:43 Richard Oppen, Director, Department of
Environmental Quality

03:40:23 **REP. SMALL-EASTMAN**

03:40:56 **REP. HARRIS**

03:42:22 Cindy Brooks, Attorney, Department of Natural
Resources and Conservation

03:43:12 **REP. HARRIS**

03:43:54 Mary Sexton, Director, Department of Natural
Resources and Conservation

03:46:16 **Motion/Vote: REP. HARRIS moved to SEGREGATE NO. 2
of the Amendment to SB 489. Motion carried by
voice vote.**

03:46:22 **Motion: REP. HARRIS moved TO ADOPT THE SEGREGATED
NO. 2 PORTION OF THE AMENDMENT.**

Discussion:

03:46:28 **SEN. GREG LIND, SD 50**

03:47:16 **REP. HARRIS**

03:47:53 Richard Oppen, Director, Department of
Environmental Quality

03:48:51 **REP. HARRIS withdraws the Motion.**

03:49:04 **Motion: REP. SMALL-EASTMAN moved TO ADOPT THE
SEGREGATED NO. 2 PORTION OF THE AMENDMENT**

Discussion:

03:50:28 **REP. JOPEK**

03:50:39 **REP. FUREY**

03:51:43 **Vote: Motion carried 13-5 by roll call vote with
REPS. BIXBY, BROWN, CLARK, JOPEK, and SMALL-
EASTMAN voting no and REP. WANZENRIED voting by
proxy.**

03:53:36 **Motion: REP. MAEDJE moved TO AMEND SB 489 with
the remaining portion of the Amendment.**

Discussion:

03:53:53 **REP. BARRETT**

03:55:11 **Vote: Motion carried unanimously by voice vote
with REP. WANZENRIED voting by proxy.**

03:55:34 Motion: REP. HARRIS moved that SB 489 BE
CONCURRED IN AS AMENDED.

03:55:59 Motion: REP. HARRIS moved that SB 489 BE AMENDED.
EXHIBIT(nah69a13)

Discussion:

03:58:05 REP. HARRIS

03:58:41 Sandy Olson, Department of Environmental Quality

03:59:18 REP. ROSS

04:00:42 REP. BARRETT

04:02:26 REP. JONES

04:04:57 Vote: Motion carried 16-2 by voice vote with
REPS. BARRETT and BROWN voting no and REP.
WANZENRIED voting by proxy.

04:05:23 Motion: REP. HARRIS moved that SB 489 BE
CONCURRED IN AS AMENDED.

Discussion:

04:05:36 REP. BROWN

04:06:42 REP. DICKENSON

04:08:15 REP. HEINERT

04:09:08 REP. EVERETT

04:09:44 REP. ROSS

04:10:35 REP. HARRIS

04:10:58 REP. BARRETT

04:11:55 REP. SMALL-EASTMAN

04:12:35 REP. BIXBY

04:13:25 REP. JOPEK

04:15:01 REP. FUREY

04:15:57 REP. MAEDJE

04:16:41 CHAIRMAN PETERSON

04:17:54 REP. CLARK

04:18:42 Vote: Motion carried 14-4 by roll call vote with
REPS. BARRETT, BIXBY, BROWN, and SMALL-EASTMAN
voting no and REP. WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 143

04:20:30 Motion: REP. FUREY moved that SB 143 BE CONCURRED
IN.

04:20:58 *REP. EVERETT left the Committee Meeting.*

Discussion:

04:21:37 Richard Oppen, Director, Department of
Environmental Quality

04:23:33 **REP. HARRIS**

04:24:18 **REP. BARRETT**

04:24:35 Sandi Olson, Department of Environmental Quality

04:25:11 **REP. CLARK**

04:26:30 **REP. BROWN**

04:27:34 **REP. MAEDJE**

04:28:30 **CHAIRMAN PETERSON**

04:29:30 **REP. HEINERT**

04:29:51 **Vote: Motion carried 10-8 by roll call vote with
REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES,
LAMBERT, ROSS, and SMALL-EASTMAN voting no and
REPS. EVERETT and WANZENRIED voting by proxy. REP.
DICKENSON will carry SB 143.**

EXECUTIVE ACTION ON SB 337

04:32:24 **Motion: REP. JOPEK moved that HB 337 BE CONCURRED
IN.**

04:34:14 **Motion: REP. JOPEK moved that SB 337 BE AMENDED.**
EXHIBIT (nah69a14)

04:37:06 **Discussion:**
REP. BROWN

04:38:59 **REP. HARRIS**

04:39:25 **Vote: Motion carried unanimously by voice vote
with REP. WANZENRIED voting by proxy.**

04:39:50 **Motion: REP. JOPEK moved that SB 337 BE CONCURRED
IN AS AMENDED.**

Discussion:

04:41:20 **REP. LAMBERT**

04:41:57 **REP. JONES**

04:43:29 **REP. HARRIS**

04:43:52 **REP. MAEDJE**

04:44:49 **REP. BARRETT**

04:46:23 **REP. FUREY**

04:47:45 **REP. DICKENSON**

04:49:03 **REP. ROSS**

04:50:45 **REP. CLARK**

04:52:50 **REP. JOPEK**

04:53:05 Motion: REP. JOPEK moved that SB 337 BE AMENDED.
EXHIBIT (nah69a15)

Discussion:

04:56:27 REP. GUTSCHE

04:56:49 REP. JOPEK

04:57:37 CHAIRMAN PETERSON

04:58:18 REP. HARRIS

04:58:25 Break

05:05:37 Resume

Discussion: (con't)

05:06:24 Krista Lee Evans, Legislative Services Division

05:10:07 REP. BARRETT

05:11:06 Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT and WANZENRIED voting by proxy.

05:12:13 Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REP. EVERETT and WANZENRIED voting by proxy.

EXECUTIVE ACTION ON SB 269

05:15:27 Motion: REP. FUREY moved that SB 269 BE CONCURRED IN.

5:15:40 Motion: REP. ROSS moved that SB 269 BE AMENDED.
EXHIBIT (nah69a16)

Discussion:

05:19:08 REP. DICKENSON

05:19:31 REP. HARRIS

05:19:45 REP. CLARK

05:20:26 Vote: Motion carried unanimously by voice vote with REPS. WANZENRIED and EVERETT voting by proxy.

05:21:13 Motion: REP. FUREY moved that SB 269 BE CONCURRED IN AS AMENDED.

05:21:24 Motion: REP. HARRIS moved that SB 269 BE AMENDED.
EXHIBIT (nah69a17)

Discussion:
05:22:17 Krista Lee Evans, Legislative Services Division
05:23:24 REP. CLARK

05:24:31 Vote: Motion carried 17-1 by voice vote with REP.
MAEDJE voting no and REPS. EVERETT, JONES and
WANZENRIED voting by proxy.

05:25:06 Motion: REP. FUREY moved that SB 269 BE CONCURRED
IN AS AMENDED.

Discussion:
05:25:29 REP. BARRETT
05:26:12 REP. FUREY
05:28:15 REP. LAMBERT
05:28:51 REP. ROSS
05:30:06 REP. CLARK
05:33:26 REP. BROWN
05:34:21 REP. FUREY
05:35:38 REP. HEINERT
05:36:29 REP. ROSS
05:37:42 REP. GUTSCHE
05:39:14 REP. MAEDJE

05:40:04 Vote: Motion failed 9-9 by roll call vote with
REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE,
HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED
voting aye and REPS. EVERETT and WANZENRIED voting
by proxy.

EXECUTIVE ACTION ON SB 376

05:41:45 Motion: REP. HARRIS moved that SB 376 BE
CONCURRED IN.

05:42:35 Motion/Vote: REP. HARRIS moved that SB 376 BE
AMENDED. Motion carried 17-1 by voice vote with
REP. DICKENSON voting no and REP. EVERETT and
WANZENRIED voting by proxy.

EXHIBIT (nah69a18)

05:44:30 Motion: REP. HARRIS moved that SB 376 BE AMENDED.
EXHIBIT (nah69a19)

Discussion:

05:46:02 REP. BARRETT

05:47:08 REP. HARRIS

EXHIBIT (nah69a20)

05:49:44 Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, HARRIS, FUREY, GUTSCHE, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. MAEDJE, FUREY, EVERETT, WANZENRIED and CLARK voting by proxy.

05:50:46 Motion: REP. HARRIS moved that SB 376 BE CONCURRED IN AS AMENDED.

Discussion:

05:51:02 REP. BARRETT

05:51:40 REP. JOPEK

05:52:36 REP. HARRIS

05:53:21 REP. JOPEK

05:54:04 REP. DICKENSON

05:54:41 CHAIRMAN PETERSON

05:55:05 Vote: Motion failed 9-9 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, GUTSCHE, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT, WANZENRIED, LAMBERT and HEINERT voting by proxy.

EXECUTIVE ACTION ON SB 97

05:58:20 Motion: REP. MAEDJE moved that SB 97 BE CONCURRED IN.

05:58:37 Motion: REP. MAEDJE moved that SB 97 BE AMENDED.

EXHIBIT (nah69a21)

Discussion:

06:08:46 REP. ROSS

06:09:41 Motion/Vote: REP. HARRIS moved TO SEGREGATE #9. Motion carried by voice vote.

06:10:36 Motion: REP. HARRIS moved to ADOPT SEGREGATED SECTION #9 of the Amendment to SB 97.

Discussion:

06:11:03 REP. MAEDJE

06:12:40 Vote: Motion failed 8-10 by roll call vote with REPS. BARRETT, BROWN, HEINERT, JONES, JOPEK, LAMBERT, MAEDJE, and PETERSON voting aye and REPS. EVERETT and WANZENRIED voting by proxy.

06:13:36 Motion/Vote: REP. CLARK moved TO SEGREGATE #7 of the Amendment to SB 97. Motion carried by voice vote.

06:14:56 Motion/Vote: REP. CLARK moved TO ADOPT THE SEGREGATED PORTION #7 OF THE AMENDMENT TO SB 97. Motion failed 9-9 by roll call vote with REPS. ROSS, BARRETT, MAEDJE, EVERETT, LAMBERT, JONES, HEINERT, BROWN and PETERSON voting aye and REPS. EVERETT and WANZENRIED voting by proxy.

06:15:36 Motion: REP. MAEDJE moved the remaining portion of the Amendment to SB 97.

06:19:18 Vote: Motion failed 6-12 by roll call vote with REPS. BARRETT, HARRIS, HEINERT, JOPEK, MAEDJE, and PETERSON voting aye and REPS. EVERETT and WANZENRIED voting by proxy.

06:20:44 Discussion:
REP. HEINERT

06:21:08 Vote: Motion failed 8-10 by roll call vote with REPS. BIXBY, CLARK, DICKENSON, FUREY, HARRIS, JOPEK, SMALL-EASTMAN, and WANZENRIED voting aye and REPS. EVERETT and WANZENRIED voting by proxy.

06:22:02 Motion/Vote: REP. ROSS moved that SB 97 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote.

EXECUTIVE ACTION ON SB 124

06:22:55 Motion: REP. HARRIS moved that SB 124 BE CONCURRED IN.

Discussion:
06:23:20 REP. JOPEK
06:24:06 REP. BROWN

06:24:17 **Vote:** Motion carried 17-1 by roll call vote with REP. GUTSCHE voting no and REPS. EVERETT and WANZENRIED voting by proxy. REP. JONES will carry SB 124. (REP. WAITSCHIES carried the bill.)

EXECUTIVE ACTION ON SB 142

06:28:13 **Motion:** REP. BARRETT moved to RECONSIDER THE MOTION on SB 142.

06:29:58 **Vote:** Motion carried 15-3 by roll call vote with REPS. CLARK, FUREY, and GUTSCHE voting no and REPS. EVERETT and WANZENRIED voting by proxy.

06:31:37 **Motion:** REP. BARRETT moved that SB 142 BE CONCURRED IN. (Motion implied to include amendments added in previous action.)

06:32:01 **Motion:** REP. BARRETT moved that the Amendments to SB 142 BE REMOVED. Motion carried by voice vote 15-3 with REPS. LAMBERT, HEINERT and BROWN voting no and REPS. EVERETT and WANZENRIED voting by proxy.

Discussion:

06:34:26 Tom Schultz, Department of Natural Resources and Conservation

06:35:11 REP. CLARK

06:35:47 REP. BROWN

06:35:50 REP. MAEDJE

06:36:07 REP. HEINERT

06:36:28 **Vote:** Motion carried 15-3 by voice vote with REPS. BROWN, GUTSCHE, and LAMBERT voting no with REPS. EVERETT and WANZENRIED voting by proxy. REP. MAEDJE will carry SB 142. (By consensus vote reflects the will of the Committee to concur in bill in its original form.)

EXECUTIVE ACTION ON SB 494

06:37:55 **Motion/Vote:** REP. ROSS moved that SB 494 BE CONCURRED IN. Motion failed 9-9 by roll call vote with REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES, LAMBERT, MAEDJE, PETERSON, and ROSS voting aye and REPS. EVERETT and WANZENRIED voting by proxy.

ADJOURNMENT

Adjournment: 5:00 P.M.

REP. JIM PETERSON, Chairman

DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

EXHIBIT ([nah69aad0.PDF](#))